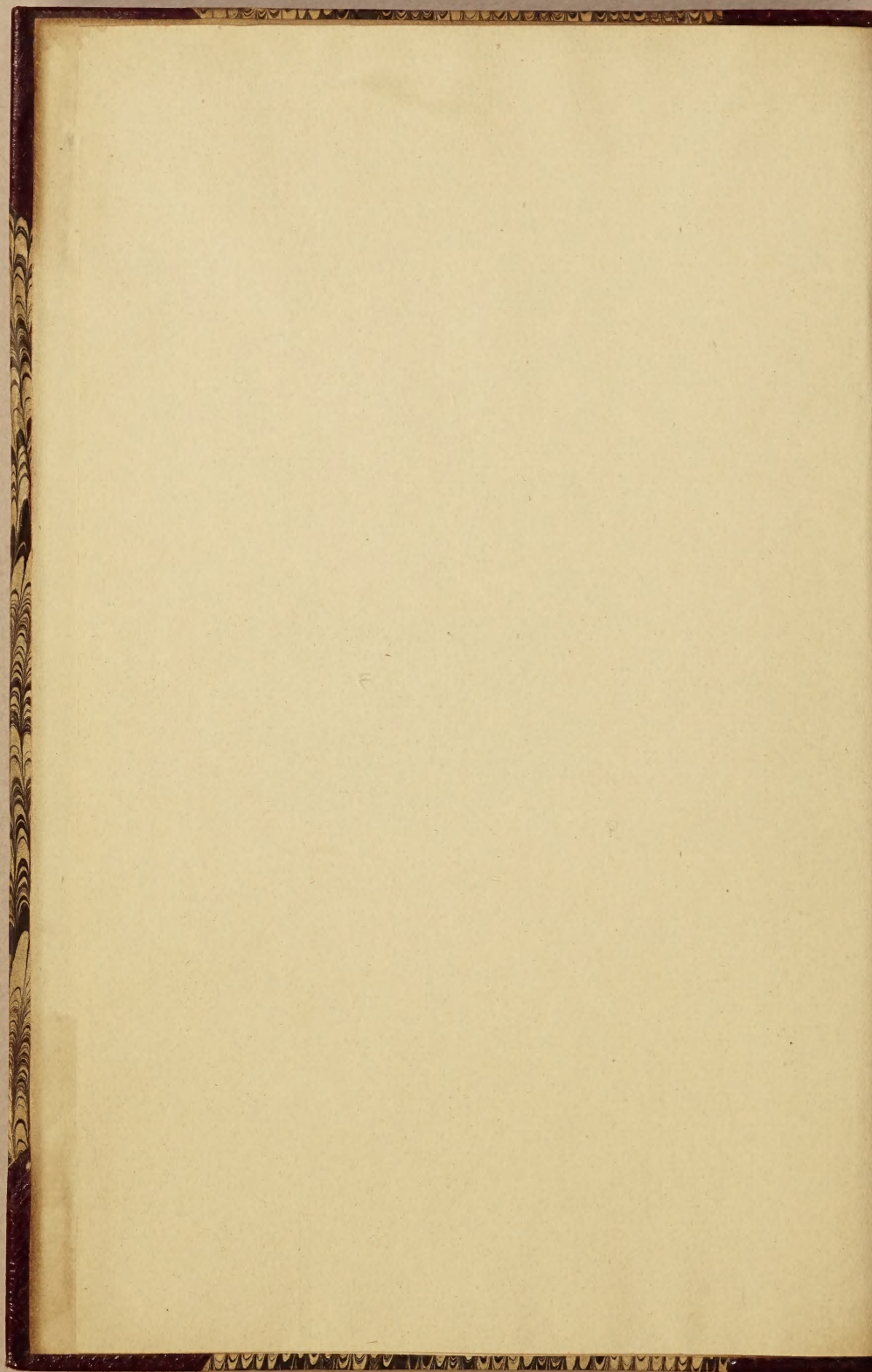


John Carter Brown.

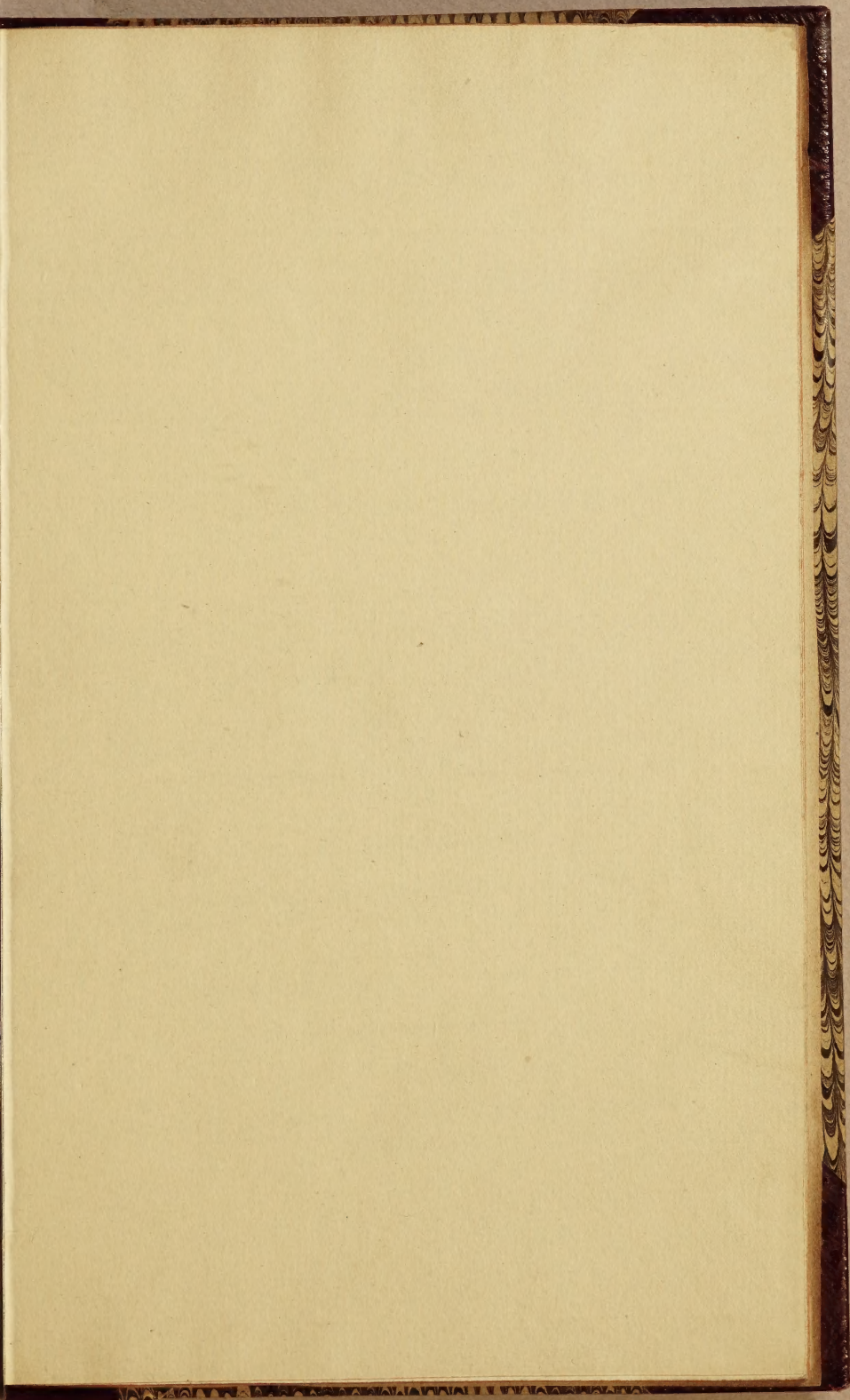


John Carter Brown









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A  
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T O A  
MEMBER OF PARLIAMENT  
O N T H E  
P R E S E N T U N H A P P Y D I S P U T E  
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G R E A T - B R I T A I N A N D H E R C O L O N I E S .

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J U S T I C E .

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Unum esse debet Omnibus Propositum, ut eadem sit Utilitas  
Uniuscujusque & Univerforum.

Cic. de Offic.

Hear me for my Cause.

SHAKESPEARE.

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L O N D O N :

Printed for J. WALTER, at Homer's Head, Charing-Cross.

MDCCLXXIV.

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RPJCE



JOHN CARTER BROWN.

A

## LETTER, &c.

DEAR SIR,

**T**HE duty I owe his Majesty, the love I bear to my Native Country, and a certain public principle which plays about my heart, all conspire together, and urge me to hazard a few thoughts on American Affairs, at this most alarming and important crisis.

I CANNOT promise you much novelty of sentiment, the Press having teemed with profound and elaborate treatises on the same subject for ten years past; but as the reasonings of different authors either lie scattered thro' a vast variety of fugitive pieces, or are blended and intermixed with matter of a foreign nature; and in some instances, perhaps, are most cruelly distorted and defaced by an evil party spirit, or a rancorous dislike of those *who chance to guide the helm*; it may not be an unacceptable attempt to rescue this important subject from all incumbrances, and to treat it in a clear and rational stile of argument.

B

Flow-

FLOWERS of speech and pompous declamation may recommend an Orator to public notice, the generality of men being commonly captivated by *sounds* and *manner*; but a reader of taste and judgment stands aloof to *transports*, and expects a train of solid reasoning to pour conviction on his mind, before he yields his assent to any proposition, or embraces any tenet.

I HAVE frequently observed to you, that the repeal of the Stamp Act formed a kind of epoch in the annals of British story; and tho' I think too liberally to suppose that the reigning Administration of that day were influenced by undue motives to promote a dangerous measure, yet I must be allowed to say, that in my judgment our present distractions principally flow from that *fatal error*. But whether the Stamp Act itself, or the hasty repeal of it, occasioned our disquiets, are points of mere opinion, and unworthy of much debate.

It is a nice and perilous experiment for the Powers of Legislation to discover, at any time, the least symptoms of weakness or distrust: Public bodies of men can alone give weight and stability to their counsels by a firm, sound, and persevering system. When the people once perceive any impotence in the execution



tion of public measures, Government loses dignity, and sinks into contempt.

IT may seem a bold assertion, but I am convinced, that it is safer to enforce a doubtful or even a pernicious measure, than tamely to yield a point, unless grounded upon tried experience.

THE formality attending legislative acts; that awful appearance of deliberation and debate; the solemnity observed in maturing public business; and the royal sanction of his Majesty to the completion of it; give such an air of consequence and dignity to the whole, that no caprice, no idle clamours, no state cabals, or party contentions, ought to operate with the least shadow of success.

WHEN the several Estates of the Kingdom have once established a Law, nothing on earth should be received to controul it, till the Subjects, by dutiful obedience to its mandates, place themselves in a fit condition humbly to petition or remonstrate, as the case may require, in consequence of the real and unaffected evils which they have experienced under a full execution of the Act. Here Justice should never call in vain; the ears of our Rulers will not be shut against the voice of Reason; and the merit of obedience on the one hand, powerfully

and constitutionally demands relief and pity on the other. In this state of things, the importance of Government is duly preserved; and considering that all communities of men are formed by individuals, who are frail by nature, and at best *see as thro' a glass darkly*; the rays of royalty, and the sparks of senatorial splendour, shine more bright and illustrious, if possible, in the moment of repealing an injurious law, and thereby composing the honest, panting bosoms of anxious millions, than in all the glaring displays of authority and power.

BUT reverse this scene for a moment, and behold the Sons of Violence fired with imaginary evils, impatient of restraint, and illegally and wantonly wresting all power from the hands in which our blessed Constitution has so wisely placed it. Behold the Civil Powers, in order to avoid a temporary evil, condescending to the force of Faction, and forging plausible expedients to obtain a moment's pause; and you see, at the same time, the bands of Civil Society are thereby loosened, disorder takes the lead, and constitutional dignity is swallowed up in the noise and fermentation of democratic tumult. The Subject insensibly slides into outrageous acts bordering upon rebellion; the tone and temper of his mind undergoes such various changes, that, entertaining distrust of his Rulers, and viewing their impo-

tence



tence and weakness thro' the same mirror that he espies the infirmities of a naked individual, he gradually despises those he ought to reverence, and yields duty to the fallies of blind zeal, heightened by a weak and improvident indulgence.

THIS, my good friend, is no picture formed by fancy, or coloured by a warm imagination; but it is a genuine sketch, a rough draught, as it were, of the progress of the human mind, when once permitted to stray beyond the just limits of decency and order.

THE body politic may be nervous and relaxed, as well as the human frame; and it is no more possible, under such a state, to determine that the symptoms may not affect a vital part in the one case as well as in the other. The former, indeed, is less liable to become diseased and infirm; but if it once contracts the same distemper, it instantly is subject to all the concomitant evils flowing from it.

THE hasty repeal of the Stamp Act stands as a proof of the solidity of these reflections; and it has been attended with this additional inconvenience, that it has absolutely furnished the Colonists with more than a plausible argument, that Parliament doubted the extent of its own supremacy: for the Declaratory Act  
but

but awkwardly heals the wound, inasmuch as the objections to the Stamp Act solely disputed the power that made it, without bringing into question the inutility, inexpediency, or inefficiency of the Act itself; points which could not be regularly handled, unless the Statute had been suffered to operate and take effect. This capital error evidently generated another inconvenience; for Parliament, no doubt, perceiving that the Declaratory Act was little more than an echo of one passed in the reign of King William, found it necessary to impose certain duties; one of which, at least, stands as a mark or evidence of our Supremacy in the point disputed, and is now the present bone of contention between Great Britain and her American Plantations.

You must clearly see, that the Repeal, which was obtained by clamour, riots, and popular discontents, in the first instance tacitly yielded a dangerous point; confirmed the Colonists in a settled opposition to British Government; taught them a pleasing lesson to direct them on all future occasions; and at the same time entailed a dispute upon this nation, which might have been otherwise happily prevented.

NOTHING was ever more evident to me, at the period hinted at, than the urgent necessity of enforcing the Act, as it would have fur-



furnished the Legislature with an opportunity of giving relief, upon truly Constitutional grounds, upon experimental evils grievous *to be born*, whereby the matter of Right had been happily saved, or rather buried in eternal silence.

ANOTHER evil, and not the least, is the waste of time on the part of this Kingdom ; for the Colonists have been impolitically kept in a state of continual training for mine successive years. Their Orators have been furnished with topics for popular harangues, and the mass of the people have been taught politics, and the mode of being troublesome to Government. Nothing but a spirit of Independence has been dealt out to the Colonies, till swollen with self-importance and flattering conceits, they are now defying, as it were, "*tb' Omnipotent to arms !*" and proudly and vauntingly insulting this glorious Kingdom, her venerable laws, one of the best Sovereigns that ever swayed the British sceptre ; and by distant threats of desperate rebellion, bidding defiance to the Supremacy of this Nation, which happily extends its benign influence to the most distant corners of her wide dominions.

I BEG you to believe, that I do not mean to hint, in the most distant degree, at the good or ill policy of the Act under consideration ; I  
only

only wish to enforce this plain maxim: That tumultuous counsels should on no score be permitted to controul the legal forms of an established Civil Constitution; that we have the most serious reason to regret the temporizing concessions of the year 1766; and that our present distractions, in a great measure at least, spring from that unhappy source.

THE Noble Lord (whose talents and public services cannot be too highly admired) has some cause to lament, that he yielded his reason to oratorical raptures, which made him exclaim, "*That he rejoiced that America resisted.*" For my own part, I freely own, that if such words had dropped from me, and obtained the same unhappy force and influence as they did from the persuasive lips of the Noble Lord alluded to, I should remain as fixed, cold, and petrified, as the marble statues of his Lordship, pompously erected to celebrate his fame.

THIS ACT, however, whether good or bad, odious or expedient, was repealed with a view, no doubt, to conciliate the affections of the Colonies, and to restore perfect harmony and friendship. Some of the evils I have briefly touched; but I must frankly own, that I am not possessed of materials to enable me to celebrate the manifold advantages which this Country has reaped from lenient and indulgent measures.

I, ALAS!



I, ALAS ! move in a narrow circle, and have an opportunity only to observe the motion of common wheels. The fine and exquisite parts of the Political Machine are of course concealed from the view of men in the humbler walks of life : I must, therefore, decline that painful part of American history which tends to prove the loyalty, duty, and affection of that people. Besides, I have no access to the papers of the Privy Council, nor any pretence to ask admittance into the offices of Secretary of State, or the Board of Trade. And thus deprived of authentic evidence, I am utterly unable to set forth the many humble Petitions and Remonstrances the Colonists may have presented to his Majesty, accompanied with kind and generous offers to raise a revenue themselves, in lieu of Parliamentary taxation. It is not in my power to obtain copies of the *meek* Resolutions of the several Assemblies on the Continent ; nor can I procure even a sight of any public letters from the respective Governors, containing the grateful sentiments of the people, or their soft tenders of love, affection, and regard for their Parent-State. And what is still more strange and wonderful, I cannot even bribe a Crown Officer to furnish me with authentic copies of such honourable testimonials, to enable me to "*vindicate their ways to men.*" This being the case, I shall leave this task to Statesmen and

Ministers, who are possessed of all the evidence, and proceed to consider the merit of the Colonists' pretensions, and make such general observations and reflections, as the nature and importance of the subject naturally suggest.

THE lands in America have been obtained chiefly by conquest or treaty, have been peopled from the Mother-Country, and, though no part of it, are, however, dependent and distinct dominions, which fall properly under three different classes of description : 1. Provincial Constitutions, formed under Royal Commissions to Governors with suitable instructions. 2. Proprietary Establishments, in the nature of feudatory Principalities : And 3. Charter Governments, or Civil Corporations. And under these several species of Grants the Sovereignty of the Parent-State has been uniformly saved and reserved : And by 7 and 8 *William III. c. 22.* “ all laws, bye-laws, usages, and customs, which shall be in practice in any of the Plantations repugnant to any Law *made or to be made* in this Kingdom relative to the said Plantations, shall be utterly void and of none effect.”

THE original Emigrants explored foreign lands under the immediate sanction and permission of the King; for they possessed no natural or independent power to commence or prosecute



prosecute such enterprizes. And although some antient statutes had been repealed, which too rigidly restrained the Subject's free passage from one country to another; and though the constant practice at this day seems to warrant the Subject in departing from the Kingdom at his pleasure; yet plain and evident as this liberty may seem, it is an undoubted fact, that the King may by writ of *Ne exeat Regnum*, under his great or privy seal, prohibit him from going abroad; or by writ may command his return when abroad (a). Now, let us reflect for a moment what was the real condition of these Emigrants at the time of their departure from this Kingdom, and we shall find that they were subjects of the King, and members of the realm of England, owing obedience to the several Constitutional Powers of the Nation, and to the laws framed and enacted by them; and that they were kindly permitted to depart for their own convenience on prospects of personal advantage.

As, on the one hand, these natural-born Subjects had a great variety of rights, which they possessed by virtue of their birth within the King's *allegiance*, and which they never could forfeit by any distance of place or time, but by their own misbehaviour; so, on the other hand, their

(a) 1 Hawk. P. C. 22.

allegiance was perpetual at all times, and in the remotest corners of the earth: and by the same rule, founded in the nature of things, their relation to the several Powers of that State, from the laws whereof they continued to hold such valuable rights, still subsisted; and they could no more emancipate themselves from an implied obedience and dutiful submission to the Parliament of Great Britain, than they could renounce or surrender their allegiance to the King. The distinct duties of these emigrating subjects were equally universal, permanent, and obligatory at all times, and in all places.

THE connection between the Crown and the State is likewise of so intimate a nature, that the former can on no account disunite itself from the latter; neither can it emancipate a Subject from the laws of the Parent State. ---If, then, the Colonies and Mother Country are the *same Tribe or Nation of People*, this simple consequence follows of course: That *both* must be governed by the *same Supreme Authority*; *both* acknowledge *one Executive Power* in the King, and *one Legislative Power* in the British Parliament. And if the case can possibly admit of any other species of connexion, this absurdity must necessarily take place; to wit, That the Colonists, who are certainly the legitimate offspring of this Nation, are by some  
strange



strange magic converted into formal *Allies*; and in the room of being united by blood and the most sacred ties of kindred, they are artificially erected into unnatural Confederacies, strange and disgusting to a serious mind.

CAN any man in his senses suppose, that the King permitted his Subjects to quit this kingdom to establish Plantations in America, and that such an act of gracious indulgence was intended to work any material change in their political condition? much less, that they should be excluded from the great community of British Subjects, and at once freed and discharged from all civil connexion with the State? Can any one persuade himself, that the King would connive at a separation of this kind, suffer his kingdom to be drained, and afterwards continue his protection and support to a people whose children could at any distance of time set up a legal right to contest the authority of those Civil Powers under whose laws their fathers were born; by whose permission they were allowed to seek distant regions; and by whose care they and their posterity have ever since been nourished and protected?

WHEN the first emigration took place, there was a tacit and implied condition on the part of the Emigrants, “ *that they would continue*  
to

*to act, as they would have done, had they remained inhabitants within the realm of Britain;*" for it must be the very summit of error and ignorance in any Nation to tolerate Colonies on any other terms. The Law of Nature and of Nations, the common sense of mankind, and the reason of the thing, all concur in establishing this doctrine; and one Writer, in particular, is clear and decisive on this point: "When a Nation takes possession of a  
 " distant country, and settles a Colony there,  
 " that Country, though separated from the  
 " principal Establishment, or Mother Country, naturally becomes a part of the State  
 " equally with its antient possessions. When-  
 " ever the Political Laws or Treaties make  
 " no distinction between them, every thing  
 " of the territory of a Nation ought also to  
 " extend to its Colonies." *D'Vattel.*

THIS being a fair and candid state of the case between the original Colonists and the Parent Country, this conclusion must be received as a plain *concessum*: That the sons or posterity of those Emigrants at this day can claim no rights, privileges, or immunities, but such as their fathers or ancestors had and enjoyed. They now stand in their shoes, and consequently fall by representation into the full possession of their rights.

MR.



MR. LOCKE says expressly, “ If the sons will  
 “ enjoy the inheritance of their ancestors, they  
 “ must take it on the same terms their ancestors had it, and submit to all the conditions  
 “ annexed to such a possession.” And the same enlightened Writer further declares, that by the same act whereby “ any one unites  
 “ his person to any State, by the same he  
 “ unites his possessions ; and they become,  
 “ both person and possession, subject to the  
 “ government and dominion of that State,  
 “ as long as it hath a being.”

HAVING thus briefly and plainly pointed out the condition of the first Emigrants, by shewing that they continued their relation to the Sovereign State, and were a part of the same Community, tho’ separated by a mighty ocean ; the next enquiry must necessarily be, What alteration or change of their political condition have been wrought since their departure, either by grants from the Crown, or by Parliamentary concessions.

I WILL be bold to say, (because the fact warrants the assertion) that the supreme power of Parliament has been either expressly and directly, or tacitly and impliedly, announced in every Grant, Charter, or public Instrument, issued by the Crown, from the original Settlement of English Plantations ; and if the  
 Americans

Americans will produce any Records in the face of this position, I will take upon me to shew them their free and absolute emancipation from all restraints either of King or Parliament, fairly inscribed, in legible letters, on the back. But no such Records ever were in being; the Ministers and Statesmen of this Country, for more than a century past, having cautiously, and with sound policy, saved and reserved the Constitutional Rights of the Sovereign State. But even granting that every individual Charter has not been penned so fully or as accurately as the rest; nay, allowing for a moment that any Sovereign of this Realm had even granted the claims contended for; still this is certain, That the King could not grant more than he possessed: And no man who has the least pretence to common understanding will dare to assert, that the Executive Power can yield or relinquish the rights of the Legislative. And yet this must have been the case, and a clear surrender made of the whole, or the Colonists must absolutely fail in their claim of exemption from British rule in any case whatever.

LET us see, in a summary way, what the united Powers of the Kingdom have at any time done to weaken their supremacy, and that absolute authority which is vested in them by indefeasible right over all the subjects



jects of this great and powerful Kingdom, wheresoever they reside, in the countries and dominions belonging to the Imperial Crown of this Realm.

THE 12th *Car.* II. c. 18, commonly called the Navigation Act (made for the increase of "shipping, and encouragement of the navigation of this nation, wherein, under God, the wealth, safety, and strength of this kingdom are so much concerned") speaking of Englishmen, and English shipping, explains them to mean, "the men and shipping of England, Ireland, Wales, &c. and *America*." And under the terms of this Act, the ships and men of *America* have been permitted to enjoy the same advantages with us; and all subsequent Statutes consider the *Americans* as the same people with ourselves.

THE policy and wisdom of this Statute cannot be too much revered and admired; and being nearly coeval with the establishment of our Colonies, evidently shews the national opinion, that such Colonies are merely Settlements or Plantations for the advancement of Trade and Commerce. This Act calls to my remembrance the Statute of the 5th of *Richard II.* c. 3 \*, which enacts, "That none

\* Ann. 1381.

“ of the King’s subjects shall carry forth nor  
 “ bring any merchandises, but only in ships  
 “ of the King’s allegiance:” And this Act  
 having passed long before the settlement of  
 Colonies, may be considered as the first Eng-  
 lish Act of Navigation, and probably the  
 ground-work and foundation of the famous  
 Navigation Act in 1660. My Lord Bacon  
 observes, there are but three things which  
 one nation selleth to another; “ the *Commo-*  
 “ *dity*, the *Manufacture*, and the *Vecture* or  
 “ *Carriage*; so that if these three wheels go,  
 “ Wealth will flow as a spring-tide\*.” Now,  
 let any man read 12 Car. II. c. 18, and he  
 will find, that the grand object of the Legis-  
 lature was to secure the Plantation-trade, and  
 the vecture or carriage of the Commodities from  
 those countries. And hence it is clear beyond  
 a doubt, that the original idea of Colonies  
 was the Settlement of distant Territories *for*  
*the advancement of Trade and Commerce*. It is  
 therefore manifest, that these early provisions  
 indicated a spirit of rule and dominion; and  
 being coercive upon the people in the Plan-  
 tations, in relation to the exportation of their  
 produce (their first and most important con-  
 cern), no doubt can remain, that the Legisla-  
 ture considered them as subordinate and de-  
 pendent parts of the English Empire, subject

\* Vol. i. p. 466.



to commercial regulations, and liable to be modelled and governed, in all respects, as the wisdom of Parliament should, from time to time, think proper to direct.

ONE point very observable in this Act is, That the Legislature viewed the Colonists as part of the great Community of this Nation, because the 2d Section provides, that " Aliens " shall not exercise the occupation of Merchants or Factors in the Plantations;" and both the *men and ships of America* have under this Statute uniformly enjoyed the same privileges in common with ourselves. But to make this point still more evident, the 15 *Car. II. c. 7. s. 5*, expresses, that " in regard his Majesty's Plantations beyond the seas are inhabited and *peopled* by his Subjects of this his Kingdom of England; therefore, for the maintaining a greater correspondence and kindness between them, and *keeping them in a firmer dependance upon it, &c. &c.* and thereby making this Kingdom a staple not only of the Commodities of those Plantations, but also of the Commodities of other Countries, and places for the supplying of them; and it being the usage of other Nations to keep their Plantation-trade to themselves," enacts, &c.

THE 18th Sect. which prohibits the planting of Tobacco in England, calls the Colonies by the emphatical name of *English Plantations* in parts beyond the Seas; which appellation is certainly expressive, that the Legislature ever considered them as one and the same people with ourselves, and parts and members of the British State or Community at large.

THE 25th Car. II. c. 7, imposes duties upon the Commodities of the Plantations before they could export them; which is undoubtedly, to all intents and purposes, a clear *Revenue Tax*. And if any man will consult the 7th and 8th William and Mary, the 11th William III. c. 21. 3d and 4th Ann. c. 5 8th Ann. c. 13. the 5th George II. c. 7. and 13th George II. c. 4 will find the clearest traces, and the fullest exercise of Sovereign Authority and Parliamentary Interposition with respect to the Plantations, that the wit or ingenuity of man could possibly devise, or the circumstances and situation of both Countries demand or require. The various Publications with which the Press has been crowded for many years past, having fully stated and observed upon the several provisions and regulations of these Acts; I, therefore, content myself with barely naming them in the list of evidence in support of the supreme authority



ty of this Nation over those distant dominions belonging to the Crown of Great Britain.

MANY writers on this subject have, in my apprehension, greatly mistaken matters, when they have made a distinction between an internal and external tax; for duties laid on American produce before exportation are surely a tax, and a freer exercise of Parliamentary jurisdiction than a tax on commodities that are not of the growth of those countries: and all the elaborate reasoning on actual and virtual Representation is, in my opinion, rather foreign to the point in question; which will be much better explained, by asking only, What are the people in the Colonies? and requiring a plain, unambiguous answer.

THE Americans, then, can only be considered as British Subjects, standing in the same relation to one Supreme Power in like manner as their fellow-subjects actually residing within the Realm; and if the Supreme National Assembly have not an equal and extensive authority, in all possible cases where the exercise of it may become necessary, over the People of both Countries, and their Property and Possessions, this palpable absurdity must instantly occur: That the Americans are not a part of the British State and Community, and  
there-

therefore must fail in supporting their right or claim to the lands they cultivate, the laws they embrace, or the benefits they enjoy in common with ourselves. But the fact is, that they are part of the British State, and of course are subject to the *same Supreme Authority*; for two Supreme Powers cannot possibly subsist in the same dominions: and if the Colonists are independent of the Mother Country *in any one particular*, then must this most gross absurdity, of all others, take place—That there may exist in the same Empire *two distinct and supreme Powers*. In every nation there must be one unlimited and uncontrollable authority lodged somewhere; and there must likewise be one general universal obedience to that Body required of every individual person in the empire; and the bare idea of a State without a power somewhere vested to alter every part of its laws, is the height of political absurdity\*.

THE grand security of the Colonies consists in that very dependence which they have been lately taught to dispute and reject; and nothing can tend more to endanger the happiness and prosperity of England and America, than contending that they are in any instance whatever a distinct or separate people.

\* Warburton's Alliance, 195.

It is amazing to me, that men of sense can be so idle to suppose that a Nation can have subordinate dominions without a power as wide and extensive as the Empire, for the purpose of giving life and vigour to the whole. The very nature of Government requires it; and the necessity of such a power arises from the number and variety of our Colonies; which being altogether independent of each other, and their respective interests frequently drawing contrary ways, one common Head is absolutely necessary to direct and guide the whole, and to enforce general measures for the good of all. Nay, if such a vital leading principle was wanting in any State, to bind her several connexions and dependencies together in one close band of union, and to put them in one regular motion on great emergencies, such a State could have little reason to pride herself in the extent or number of territories, which could at any time counteract and defeat the general counsels of the Sovereign State.

To talk of a Supreme Power, and to strip it of the right of Taxation, is downright nonsense; for if the one does not draw the other to it, 'tis an empty name, and a pompous shadow. But a Tax is so essential a part of Government, that it is, in fact, the grand Prerogative of Legislation to impose it. The  
Americans



Americans are complaisant enough to own, that Great Britain is supreme in all points but that of taking money out of their pockets without their own consent; which is, in substance, retaining a power in themselves to render the resolutions of the Sovereign Jurisdiction of no effect: for if the Supreme Authority can only form plans, and they are to look elsewhere for resources to compleat them; that Body who raises the supply indisputably controuls the other.—And here arises a fine solecism in Politics—An *Imperium in Imperio*; an Inferior vested with a power to render null and void the acts of the Superior.

No such absurdities as these, thank God, disgrace our noble Constitution, though such notions have crept into the heads of Popular Declaimers. Sovereign Power implies a right of Taxation, and the one cannot subsist without the other. If the Parliament of England were to yield this point, which is of the very essence of Sovereignty, and say, that for general purposes they could not command the purses of the Colonists, but must seek for supplies from themselves; this concession must operate as a full abdication of the Powers of Government, and a compleat surrender of *Supreme Authority*. For let men mince matters as they please, or put what colours they can upon the subject, this is an uncontrovertible fact, That the  
Body

*Body* which in any State has the power of levying Money, is, *ipso facto*, *Supreme*.

THIS dispute concerning Taxation seems to me to be carried by the Americans to a most unreasonable excess; for the fact is, that America has actually been taxed by this Country from the first establishment of Colonies. We have laid Duties on their own produce before they could export it; we have imposed Duties on our own commodities, which the consumers in the Plantations consequently paid; we have made regulations affecting their property; and, in short, have exercised every branch of Dominion over them, so far as policy and particular emergencies have from time to time required. Now, what mighty difference does a change of terms make, or a varied mode of Taxation? The substantial enquiry is, Whether we have taken money out of their pockets by any legal impositions? And if we have done so in one way, we may do it in any other way which the wisdom of Parliament may think proper or expedient. I never could understand the distinction between Impost Duties, and internal Taxes; because every Tax imposed as a regulation of Trade, may incidentally produce a Revenue; and if a Tax has such a two-fold operation, it is, perhaps, a very favourable circumstance to mark the wisdom of those who devised it.

STRIP the subject of all artificial reasoning; avoid the allurements of splendid declamation; withstand the temptations of party-prejudice, studied and plausible harangues; and divest it of all doubtful, dark, and ambiguous terms; and no proposition can be more self-evident, or more easily reconciled to reason and common sense.

THE Colonists, indeed, complain that we *tax them without their consent*. But if this objection is solid and substantial, it must hold with equal force against every Act of the British Legislature, as well as on the head of Taxes; for it is a fundamental principle of our Constitution, that no man is bound by any law to which he does not give his consent. It is sufficient to observe in this place, that very few persons in England represent many millions; and yet it is as certain that every man in the Kingdom is actually taxed; and the people in America are in no worse condition, (bating a few local circumstances which no one can help,) than the four or five millions of persons in England who neither vote for or send Members to Parliament.

THE idea of Representation has been so fully discussed, and proved to be a mere speculative notion, that nothing remains to be said in relation thereto. I shall therefore only hint, by the



the way, that Members of Parliament, in constitutional language, are not stiled the *Representatives of the People*, but *the Commons in Parliament*, as all the old writs, records, and statutes will prove, to the satisfaction of any sober and inquisitive enquirer.

THE only persons who can properly be called the *People's Representatives*, are the King, Lords and Commons, as the Grand National Council; but none of them individually or separately fall within that description in the language of our Constitution. Under this idea, therefore, these combined and supreme Powers certainly represent every subject throughout the King's Dominions, as to all general purposes, and as a part or member of one National Community; for the American Parliaments or Assemblies are merely for the regulation of the Civil Police and Government of their respective Colonies, and cannot possibly extend their views beyond the limits of their own jurisdiction; neither can they assume to themselves a right to intermeddle in relation to the general concerns of the State. These different Representations, therefore, are easy to be reconciled, when we keep in remembrance the distinct offices of each. The Sovereign State stands as the grand superintending, all-directing, and uncontrouled Representative of all the Subjects in every quarter of the King's

Dominions ; whilst the minor or subordinate Powers of each Colony act in like manner for the local purposes of their own particular State.

If this is a just representation of the case, as I trust it is, the folly of calling into question the Right of Parliament must be equally clear and manifest ; because, to admit the Sovereignty of the Mother-Country over the Colonies in certain cases, and to deny them the exercise of a power which is alone the life and spirit of it, is *ludere cum sacris* ; for if Sovereignty can in any manner be controuled or counteracted, it is a bubble of air, a splendid affectation of something that, in effect, means nothing.

THERE is something inexpressibly ridiculous in the whole conduct of the Americans, about questioning the Rights of Parliament in any case whatever, inasmuch as these distant and subordinate parts of the British Empire thereby assume to themselves a right to explain and limit the nature and extent of the Supreme Jurisdiction. Besides, new absurdities arise to puzzle and perplex us ; for to question the Rights of the Sovereign State, is to oppose themselves as Equals ; and where a difference of sentiment prevails, how must such a contest be finally decided ? If there  
is

is really a Supreme Power in any State, who can judge of their Rights but *the Power that is Supreme*? The Members of the Community at large have no pretence in reason or justice to interfere in matters of this nature; for that would be to commence Equals at least, and to wrest all power from the hands of those where the Laws and Constitution had wisely placed it. Suppose then disputes run high, what must be done? No umpire can be called in, as in differences between one nation and another; neighbouring States have nothing to do in such a case, these being civil disputes between the Governors and Governed of the same State or Empire.—Things being in this situation, what can be done when the subjects grow impatient of controul, and attempt to dissolve the Powers of the Constitution? There is only one alternative that I can discover: The Supreme Power must maintain its own Authority, if it has strength to do so; or it must tamely yield and relinquish its rights to the bold invaders who demand them.

WHAT I consider, also, as ridiculous in the conduct of the Americans is, that they should presume to dispute a right which they have not strength to wrest from us. Power is very often the *ultima ratio*; but to question the rights of Government without the ability to engage in  
such



such a contest, is the perfection of folly and madness.

PACTA CONVENTA can only take place amongst independent States, and then some third Power becomes necessary for the purpose of solving doubts, enforcing obedience, explaining difficulties, and reconciling disputes between the stipulating parties. But who ever heard before these days, that dependent and inferior branches of one great Empire should call into question the fundamental powers of the Sovereign State, whose existence as such depends altogether upon the possession of those very rights and privileges which they so arrogantly deny and contest?

REMOVE this great badge and characteristic mark of Sovereignty, and you tear and rend the British State into a thousand pieces. Its own immense weight will finally destroy it; and our dependencies, thus crumbling from the grand mass to which they were so happily united and cemented, will fall an easy prey to the several Powers which may choose to scramble for them.

I WILL allow for a moment, that the local circumstances and situation of the Americans deprive them, perhaps, of some few advantages under the present system of British Representation—

presentation ; but will any man say, that certain inconveniencies resulting from distance, and divers other causes allotted by Providence in the general distribution of things, can justify the Colonists in rejecting a Constitution which their fathers were born and bred under, merely because it is *not perfect* ; when, perhaps, it may be asserted with the greatest truth, that no Constitution equals it on the habitable globe ? What was the case of certain Districts or Plantations in England before they had a right to send Members to the British Parliament ? They were taxed like other people, and patiently submitted till some relief could be granted them, upon a humble representation of their case in a regular and constitutional way.

THE Colonists pursue a different course. They neither propose to raise a sum certain in their own manner, nor pray a special Representation of the Colonies in the British Senate. They will neither tax themselves, nor suffer us to do it ; and they, in effect, deny and renounce British rule in all cases, except in such instances as relate to their own preservation and defence. They graciously allow us to drive the French from their borders, to give *them elbow-room* ; to aid them in critical moments against the various tribes of Indian nations that surround them ; they most courteously

teously receive our fleets to convoy their trade in time of war, and to cover and protect their coasts ; they cheerfully lay claim to our laws, because no others equal them ; they set up their kindred to us, that they may be entitled to the full and absolute rights of British subjects ; but they renounce and totally disclaim all British restraints, as *yokes* and *burthens* too troublesome to bear.

THE Colonists found their pretensions upon a score of arguments, and they fly from one ground to another, like the *Indians* from tree to tree.—At one time they puzzle the cause by stale rehearals of the *Rights of Nature*, and nothing less than a long catalogue of those will give content : And when they find that British subjects, like all others, have abridged, and even relinquished these darling rights for the sweets and comfortable repose of social life, away they hurry to *the noble principles of English Liberty*. Here likewise the American finds himself perplexed ; for if he claims it as his right, he thereby stamps himself a *British Subject*. He must receive its sour as well as its sweet part, in the very condition it is ; and he admits, when he accepts it, those very laws in which this *English Liberty* can alone be found.

ANOTHER contradiction now presents itself to our view, That the Colonists should embrace  
a system



a system of laws made by those very Powers of the State, whose jurisdiction they dispute; which is at once to admit the jurisdiction, and in the same breath also to deny it.

HERE, again, they find themselves severely pinched in point of argument; for every British subject, wheresoever resident in the King's dominions, must look up to one and the *same Supreme State Power*, which is the British Parliament, whose superintendency extends to each individual, and to the minutest spot of the British Empire.

THE Americans, with a great shew of loyalty and regard, acknowledge his Majesty to be their rightful Sovereign. And here, as before, they must find themselves entrapped. What Power established the settlement of the Crown of England, and of course gave them a King, whom they thus so properly acknowledge? Was it not the British Parliament, whose rights they would fritter away by a thousand subtleties and senseless evasions? And can there be a doubt after this, that if Parliament can exercise this most eminent act of Power and Sovereignty, and fix upon a King to rule and govern them, that they cannot take a few shillings out of their pockets for great and general purposes, to mature and perfect the grand schemes of Public Govern-

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ment,

ment, and to advance and promote the interest of all those who are within the pale of British Rule?

By what right do the Americans hold their lands, but under the Great Seal of England, or by authority derived from it? Every acre, therefore, which they possess, is as *parcel of the Realm* of England. And what are the quit-rents which they pay, but so many acknowledgments to the Crown for the possession of their lands? And in this instance they likewise pay what is a Tax and Revenue.

In short, America must recognize the Legislative Power of this Kingdom in its full latitude, or set themselves up as Independent States.

It is very certain, that the dispute, from its first commencement, has wore different complexions; and the Colonists were some time ago very willing to admit the Power of Parliament for *Commercial regulations*: but the lenity and forbearance of this Kingdom having been mistaken for timidity, or want of power; and Faction at the same time co-operating with their own inclinations; they have vainly considered temporary indulgences as evident concessions, or, at least, as doubtful symptoms of the right of Parliament to bind them in any case whatever. Hence it is, they have moved the argument from  
stage

stage to stage, and at length discovered in themselves a state or ripeness for absolute independence. Thus it was in the commencement of the Civil Wars, in this country, above a century ago : not a man suspected that so dire a catastrophe as happened would ever take effect ; the ringleaders never once meditated a scene of so tragical a nature. Great success in struggles for Liberty, and a continued series of contention for twelve years together, gradually produced such changes and revolutions in men's minds, that in a moment, as it were, they found themselves steeled, and prepared to plunge into any depth, and freely to adopt any desperate plan of action : and this is the natural progress of the human mind, under certain circumstances, in all ages, and in all countries.

THE Americans have now learnt their error in admitting certain rights ; and from the delay that has taken place to bring the point to a clear decision, they now boldly and openly deny that we have *any power at all*. They oppose your laws ; compel your officers to resign their commissions ; erect new and unheard-of tribunals ; call Congresses ; appoint Committees ; make dangerous Resolves ; carry on secret correspondence ; connive at illicit and clandestine trade ; purchase goods from your rivals, as far as their ready cash will extend ; and supply their other wants by abusing the indulgence of that body of men, who,

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by



by their generous credit and unexampled generosity, may be called the Builders of their Towns and Cities, and the Founders of their Opulence and Greatness.

THEY prove to us, that it is in their power to unite in opposing the operations of our laws, but not in framing and presenting a dutiful and affectionate Address to the States of this Kingdom, or in making some becoming advances, and paving the way for a reconciliation *most devoutly to be wished*. They want genius to contrive, and a pregnant wit to devise, a plan of conciliating measures ; they proudly keep aloof; and whilst we have been cautiously adopting lenient measures, they have been sedulously employed in projecting our total ruin, and ignominious downfall.

I MUST own, that I have discussed this subject with some degree of warmth and freedom ; but I trust you will see, that this is no time for blandishments, flattery, or improvident concealments. There is an internal heat preying upon the vitals of our blessed Constitution; and the only consolation at present is, That we are attacked by our Children, in a time of profound peace and public tranquility in Europe.

THE good Providence of God seems to afford us in this circumstance a gleam of hope,  
that

that by a due attention to, and improvement of, this happy moment, we may be enabled to avert the dangers that surround us.

THE weight and consequence of this subject call for the most awakened attention of Parliament; and so much depends upon the wisdom and firmness of its deliberations, that it may fairly challenge, in point of magnitude, difficulty, and importance, any other subject which for 600 years has ever undergone debate in the British Senate.

IN most public deliberations there will be found persons, who, through caprice, a spirit of opposition, and sometimes a dislike to the reigning Minister, will attack any measure, because planned by Administration; and on many occasions such a proceeding may be matter of pure indifference: But on this great question it is hoped all party spirit will be laid aside; that, however gentlemen may vary in their sentiments about modes or plans of doing things, they will be united in this opinion, That their own supremacy must be maintained and supported, and something effectually and instantly done to put it out of question. This is no period for expedients or temporizing shifts; the business must be at once put into a train of final decision, or this Kingdom is undone.

I WRITE

I WRITE with no spirit of resentment, but as my mind is informed ; and I sincerely believe, that my apprehensions are not extravagant or wild. My love for the Empire at large induces me to offer these sentiments, as well to appease my own mind, as to satisfy myself that I have cast my small mine into the common stock, at a crisis when the thoughts of different men may be of real service.

LET it be remembered, that when the ancient Romans had occasion to establish regulations in their Provinces, it was not a mob in Italy or Gaul that dictated the terms ; it was the powerful thunder of the Forum, and the Capitol of Rome, that bellowed obedience and submission through all the Empire.

I FLATTER myself, that sufficient has been said in support of the Supremacy of this Country, which appears to be founded in reason and the nature of things, in the necessary relation subsisting between the people of both countries, in uniform practice grounded upon that of other nations in similar cases ; and that our Statutes, as well as Royal Charters, announce this supreme right, or clearly reserve it. And I think it is equally evident, from the long catalogue of insults offered to this Nation, that the Colonists, (to speak in the pious and humble words of the Confession of our Holy Church) “ *have done*  
“ *those*



*“ those things which they ought not to have done,  
 “ and have left undone those things which they  
 “ ought to have done.”*

IN this place it may not be altogether foreign to consider, how it has happened that the Americans are chargeable with such sins of omission and commission; for I have so much charity to believe, that they must inwardly feel their bosoms lean to this Country, whose offspring they are. It is morally impossible that their hearts can be so flinty and obdurate, but the *soft still voice* of Natural Affection must whisper a few gentle aspirations! Oh! there is a powerful eloquence in Human Nature that will not be resisted, though faction and clamour, impatience and resentment, may seem for a time to withstand its operations. And I am the more inclined to entertain these sentiments, because the opposition of that people is so far from being pure and original, and springing solely from themselves, that it is a notorious and indisputable fact, that since the Repeal of the Stamp Act, many of the Letter-writers and Correspondents of the Colonists on this side of the water have, from time to time, given them the most sanguine expectations that every bone of contention would be assuredly removed, if they continued firm and inflexible in their resistance of our public measures; and I am warranted to say, (what no man in truth can possibly gainsay) that numbers of people in this Coun-  
 try

try have not only exhorted them to oppose us, but even aided, comforted, and afforded them pernicious lessons of advice, how they might most effectually and substantially resist us. Thus emboldened and encouraged, warmed and spirited by insensible degrees, flattered by vain hopes, and lulled into security by false glosses and vain sophistifications, it is no matter of wonder that they have yielded to the siren tongues of these enchanters, and embraced a plan of opposition far beyond their primitive wishes or ideas.

BUT what shall be said to such unnatural aiders and abettors? Is it any mitigation of their offence to suggest, that they have been led to do so by the allurements of private gain, or the temptations of profitable commerce? Or have these baits been thrown out to obtain a breathing-time, and to give them an opportunity to contract their views in that Country, and to draw from thence the balances of Trade? It is ten to one, but some such motives have influenced their conduct. And as, on the one hand, we are glad to find some excuse for the deluded Colonists, we cannot too much despise the selfish machinations of interested men, and their parri-  
cidial designs against this Nation, as a great commercial State, on the other.

LET such people examine their Letter-books;  
let them *commune in their own hearts, and*  
*be*

*be still*; and let them in secret reflect what a flame they have kindled, and how they have alienated the minds of those whom it was their duty to appease and soften, conciliate and, if possible, attune; and they must strike their pensive bosoms in a fit of contrary and contending passions, and instead of repining at the temporary evils which may arise to them in settling a dispute fomented by themselves, they will mildly and temperately bear present inconveniencies, whilst they aid his Majesty's Councils in supporting the just rights of his Empire, and maintaining its existence as a State.

No matter from what causes evils do arise, or whether they can be resolved into ignorance or low design; but when they happen from any cause whatever, it is incumbent upon the authors of them to offer up, at least, a sin-offering, and to strengthen those hands which before they had unduly weakened or restrained.

THEY have a good and sufficient reason at hand to spare their censures of Administration, when they call to mind that they have thus secretly and insidiously counteracted those measures which the wisdom of the Nation judged fit in maintenance of their dignity and honour.

MATTERS are now brought into that unhappy situation, that the honest industry and applica-



tion of every true lover of his Country are required to bind, if possible, the wounds of our illustrious Empire. And for that purpose we should disclaim all party connexion; stifle, if possible, the calls of interest, too apt to seduce us into error; forget, if we can, former prejudices, which, when they once fasten on the mind, lead it far from its proper course: And we are most especially called upon at this juncture (if the love of the State at large bears any rule in our hearts) to aid and assist our gracious Sovereign (who can have no interest inseparable from ours), in healing this dreadful breach, and at the same time saving the respect due to us as Head of the British Empire, and in bringing back our untoward Children to a becoming sense of dutiful obedience; whereby the subjects of both countries may enjoy those manifold and mutual benefits which were originally in idea, upon the first establishment of Colonies in that distant quarter of the world.

THIS Nation has been too long unhappily divided, though for some time past certain gleams of hope have broke forth, which threaten the Empire of Faction with a downfall, and portend the full restoration of the Empire of Reason. This is not a time for divided counsels; and nothing but unanimity and quick dispatch can save our bleeding State.

WE

WE are also past the æra of smooth compliments and kind concessions: We know the fruits we have hitherto reaped, and from their taste and relish have little reason to be pleased with either.

IT is too late to deplore that such a question of Right has ever been moved or asserted; and to look back to circumstances which, instead of administering relief, only tend still further to puzzle and inthrall us, is an idle and unprofitable waste of time.

WHAT remains now to be done, is to establish a wise and solid plan of Government, founded upon great Commercial Principles, whereby the true policy of the Navigation Act may be still further advanced, our English Plantation Trade reserved to this Nation, and their firm dependance on the Parent State effectually secured. When the Colonies encourage and increase our shipping, maintain a good correspondence and kindness with us, and keep in a firm dependance upon us; when they give a free and uninterrupted vent to our manufactures and commodities, render our navigation more safe and cheap, by making this Kingdom a staple not only of the commodities of the Plantations, but also of the commodities of other Countries and places for the supplying of them; then do they nobly answer the wise ends and purposes of

the several Acts of Navigation, and the evident intention of this Kingdom in the establishment of English Plantations. But if these designs are frustrated, or any thing is innovated which may interfere with these general and comprehensive views, Colonies become a *scourge*, instead of a blessing, to the Parent State. It has been well observed by a Writer on Trade, many years ago, " That Colonies are a strength to their Mother Country, while they are strictly made to observe the fundamental laws of their original Country, and while they are kept dependent on it; but otherwise, they are worse than Members lopped from the Body Politic; being like offensive arms, wrested from a nation to be turned against it, as occasion shall serve."

THERE cannot, then, remain a single doubt, but the loose situation of things in our American Colonies requires a speedy reformation, and demands the full exertion of the Legislature of this Kingdom to remedy subsisting evils before they grow rooted and confirmed, by bringing the Colonists into so good and sound a state, that every part of those distant territories may enjoy its due proportion of nutriment, and thereby be fitted and disposed to promote the interest, honour, and dignity of Great Britain, their Head, Mother, and Protectress.



THE resources of this Nation are many and various, and the ways whereby we may vindicate ourselves are both obvious and numerous; but I forbear to point out plans, and modes or forms of doing things, these being points of public business which private men, who see not the finer movements of the Political Machine, cannot so properly determine.

It is, no doubt, a matter of infinite regret, and must give pain and anguish to a tender mind, when admonition and forbearance prove too feeble to effect a cure. But wise men know, that violent remedies must sometimes be applied to obstinate diseases. In the two grand Rebellions of 1715 and 1745, we were cruelly compelled to put to the sword, and bring to condign punishment, our deluded fellow-subjects, born and bred on the same Island with ourselves, and connected by a thousand ties of interest, blood, and friendship, with the best people in the land. Rivers of tears flowed down many an honest cheek; grey hairs were brought with sorrow to the grave; and the hearts of men, though troubled and afflicted, patiently submitted, and acknowledged that Severity was Justice.

For my own part, I think it far more honourable for this Nation to run even the  
risque

risque of losing her Colonies in asserting her just Rights (an event little to be dreaded !) than to retain them on base and ignoble terms. This Kingdom holds nothing under a weak, contested title : there is not a single ray that adorns the Imperial Crown of England, but what has been obtained by the noblest kind of purchase. We enjoy no casual advantages under grace and favour. The spirit and swords of our ancestors have made us the terror of Nations ; and it will be a prodigy indeed, if their posterity should crouch and tamely yield to those who owe this Kingdom allegiance and dutiful submission.

THE ROMANS so well tempered their laws and regulations, that whilst they made their Colonies useful in a commercial view to the Commonwealth at large, they took care at the same time to secure the reverence and respect of the Colonies to their Mother City. And hence it was that they afforded such noble and generous support to the Roman State, when they were exhausted, sunk, and almost desponding under the pressure of disasters, disappointments, and losses, in the second Punick War.

WHAT I have urged in this Letter, is on a supposition that the Colonies mean to persist in their unnatural opposition to the laws and regu-

regulations of the Parent-State. But if the Colonies should speedily discover symptoms of contrition, and adopt some temperate and cautious maxims, whereby any opening may be given to this Country to strike out a plan that may save its own honour, and at the same time prevent effusion of blood; I most sincerely wish that the *ultima ratio Regum* may be wholly laid aside.

I SHALL conclude this long but interesting Letter with the advice of Cardinal Richlieu to Lewis XIII. "After having spoken of  
 " the divers Orders the State is composed of,  
 " I have but little to say in the main, but  
 " that, as the whole only subsists by the  
 " union of its parts in their order and natural situation; so this great Kingdom can  
 " never flourish, unless your Majesty takes  
 " care to keep the Bodies which compose it  
 " in their order.—As it is most certain,  
 " (adds he) that the elements which are capable of weight, have none when they are  
 " in their place; so it is certain, that none  
 " of the Orders of your State will prove burdensome to the other, while each doth remain in the place which its birth hath  
 " assigned."

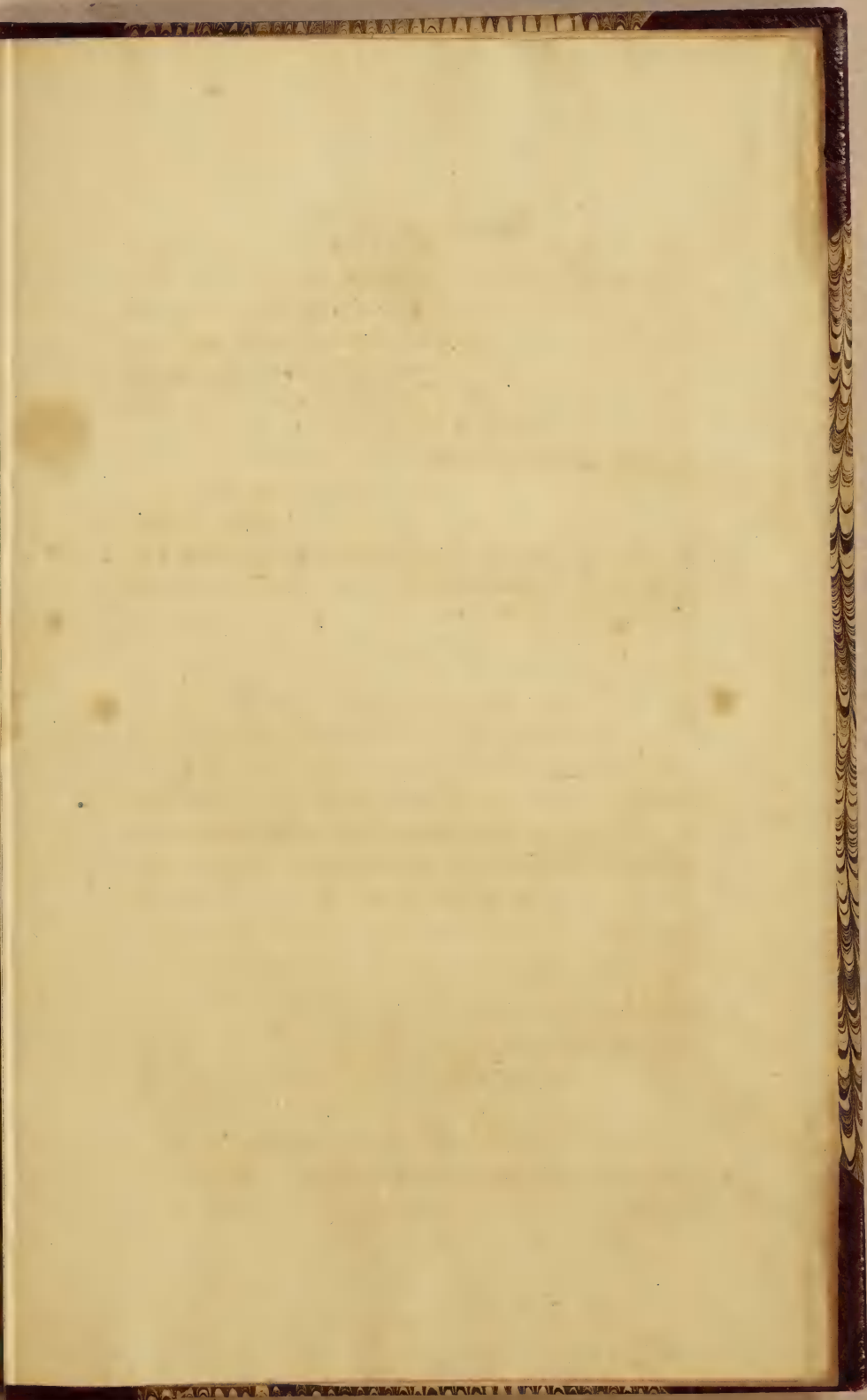
I am, dear Sir,

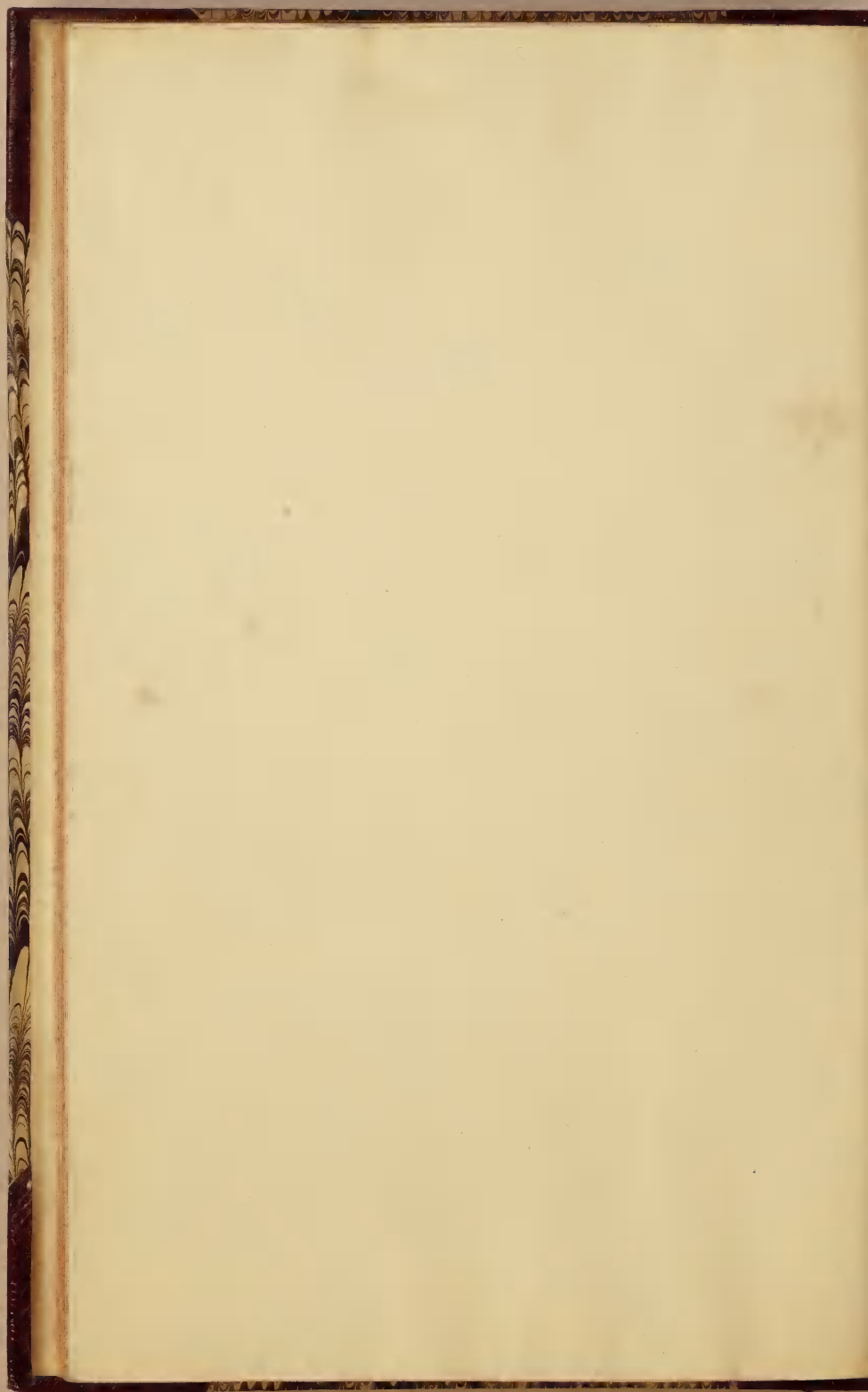
London,  
 Nov. 28, 1774.

Your most Obedient Servant.

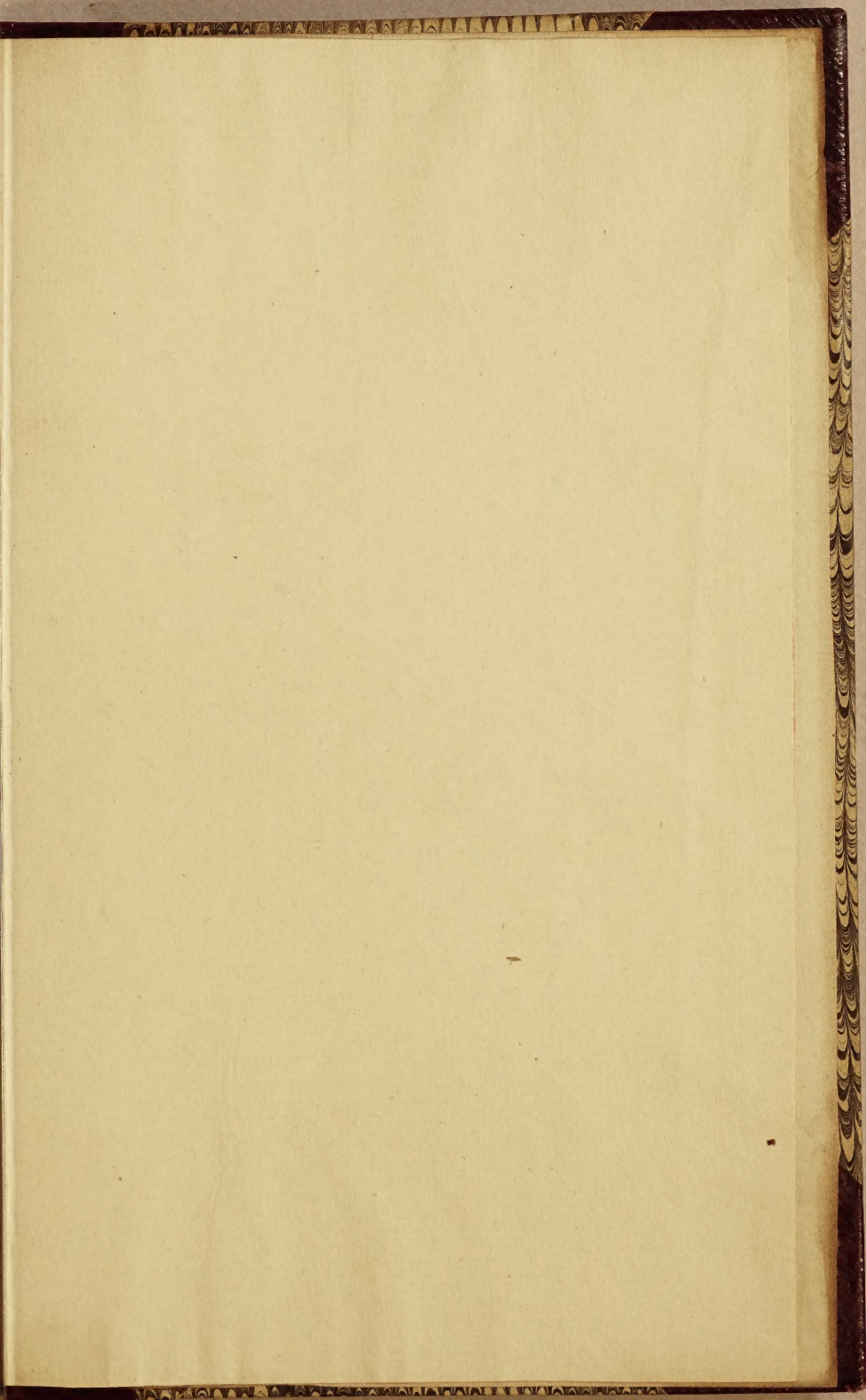


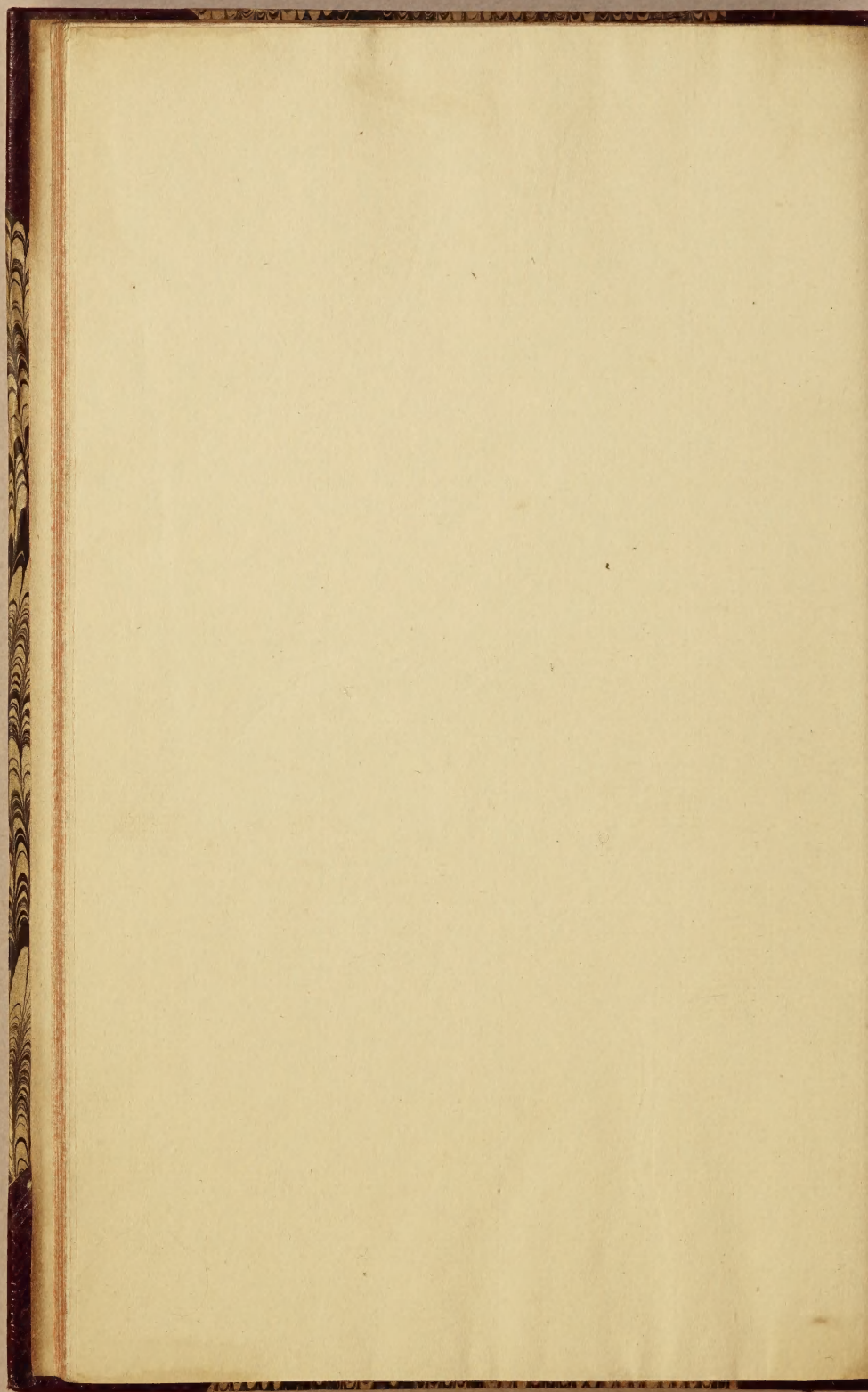














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